

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

HOOPA VALLEY TRIBE,  
  
Plaintiff,  
  
v.  
  
UNITED STATES BUREAU OF  
RECLAMATION, et al.,  
  
Defendants.

Case No. 1:20-cv-01814-JLT-EPG

ORDER RE: PARTIES' JOINT STATUS  
REPORT

(ECF No. 90)

This matter is before the Court on the parties' joint status report in response to the Court's July 26, 2022 order. (ECF Nos. 89, 90). The parties note that Defendants' motion to dismiss remains pending (ECF No. 19) and that Westlands Water District (Westlands) has not re-noticed its motion to intervene (ECF No. 79). (ECF No. 90).

However, Plaintiff intends to file a motion to amend its complaint, with Defendants agreeing that Plaintiff be given a deadline of October 31, 2022, to file such a motion. Defendants state that, if they stipulate to Plaintiff filing an amended complaint, or if the Court grants the motion over their objection, the parties will propose a briefing schedule for Defendants to file a motion to dismiss the amended complaint (should Defendants choose to do so). If Defendants oppose leave to amend and the Court denies Plaintiff's motion, Defendants will ask the Court to rule on its currently pending motion to dismiss the operative complaint. Lastly, if Westlands re-notices its motion to intervene, the parties will propose a briefing schedule to address that motion.

Given these circumstances, the parties state that a scheduling conference is not currently necessary.

Having considered the parties' joint status report (ECF No. 90), IT IS ORDERED as follows:

1. By no later than October 31, 2022, Plaintiff shall file a motion for leave to amend its complaint;
2. Should Defendants stipulate to Plaintiff being granted leave to amend, or should the Court grant leave to amend over Defendants' objection, the parties shall file, within 7 days of the issuance of the applicable order on leave to amend, a proposed briefing schedule for Defendants to file a motion to dismiss (if they choose to file a motion to dismiss). Should Defendants decide not to file a motion to dismiss, the parties shall, within 7 days of the issuance of the applicable order on leave to amend, contact Courtroom Deputy Michelle Rooney (mrooney@caed.uscourts.gov) to secure a new scheduling conference date;
3. Should leave to amend be denied, within 7 days of the issuance of the applicable order, Defendants shall submit a filing, stating whether they wish for the District Judge to consider their pending motion to dismiss (ECF No. 19);
4. Should Westlands re-notice its motion to intervene, the parties shall file a proposed briefing schedule to address that motion within 7 days of the re-noticing of the motion; and,
5. In the meantime, the October 26, 2020 motion to dismiss (ECF No. 19) remains pending and the Court will not set a scheduling conference.

IT IS SO ORDERED.

Dated: August 12, 2022

/s/ Eric P. Shoup  
UNITED STATES MAGISTRATE JUDGE